



-Docket: 14458.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Kathryn W. Hatlestad	
Appln. No.:	10/643,202	
Filing Date:	August 18, 2003	Examiner: K. Fernstrom
Title:	Free Fall Simulator	Group Art Unit: 3712

DECLARATION REGARDING
INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P. O. Box 1450
Alexandria, Virginia 22313-1450

I hereby certify that this document is being sent via First Class U. S. mail addressed to: Commissioner for Patents, P. O Box 1450, Alexandria, VA 22313-1450, on this 31 day of August, 2004.

Francis Volle

(Signature)

Sir:

I, Don Kamis, declare as follows:

1. I am employed by Aero Systems Engineering, Inc. ("ASE") the assignee and owner of the above-identified patent application. I have been employed by ASE for nearly 12 years and my current position is Vice President, Wind Tunnel Marketing.

2. ASE is a world leader in the design and supply of wind tunnels and in aerospace vehicle and propulsion system test services. In 1989, ASE designed a free fall simulator for the United States Army at Ft. Bragg, North Carolina. This free fall simulator is referred to in the above application at Paragraph 004. Following installation of this free fall simulator, ASE occasionally received inquiries from third parties expressing interest in the free fall simulator concept and its availability.

3. To respond to these inquiries, ASE prepared a brochure entitled "Free Fall Simulators" (attached hereto as Exhibit A and identified on the accompanying Information Disclosure Statement, Form PTO-1449) bearing a date of November 2000. This brochure was replaced by a brochure also entitled "Free fall simulators" (attached hereto as Exhibit B and identified on the accompanying Information Disclosure Statement Form PTO-1449) bearing a date of November 2001.

4. The brochures of Exhibit A and Exhibit B were never distributed by ASE in a mass mailing and were never distributed at any trade show or conference. They were only sent from ASE in response to third party inquiries regarding free fall simulators. It is estimated that no more than about 12 of the Exhibit A brochure were sent out and no more than about 30 of the Exhibit B brochure were sent out.

5. Except for the Model FFS-4.5 shown and described on pages A-10 and A-11 of Exhibit A and the Model FFS-4.5 shown on the next-to-last page of Exhibit B, which is the free fall simulator installed at Ft. Bragg, North Carolina, referred to in Paragraph 2 above, none of the other models disclosed had been designed, developed, built or otherwise reduced to practice. Such models were artists' renditions of possible free fall simulators ASE believed it could design, develop and build.

6. Except for the Model FFS-4.5 referred to in Paragraph 2 above, there were never any purchase agreements to design and build any of the models.


7. ASE prepared a study report for a free fall simulator for Vertical Radical of Lagos, Portugal (attached hereto as Exhibit C and identified on the accompanying Information Disclosure Statement Form PTO-1449) bearing a date of December 2000. This study was based on a design specification developed jointly by Vertical Radical and ASE. On information and

belief, the report of Exhibit C was not distributed to anyone other than Vertical Radical. The free fall simulator described and shown in Exhibit C was never designed, developed or built and was never the subject of an offer for sale which could be accepted by Vertical Radical.

8. ASE prepared a technical specification for a free fall simulator which it presented to Marissa Partners of Lake Elsinore, California (attached hereto as Exhibit D and identified on the accompanying Information Disclosure Statement Form PTO-1449) bearing a date of September 11, 2002. On information and belief, the report of Exhibit D was not distributed to anyone other than Marissa Partners. The free fall simulator described and shown in Exhibit D was never developed or built or reduced to practice.

9. I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; further, these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such will false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 30 August 2004

By: 
Don Kamis



Docket: 14458.01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Kathryn W. Hatlestad	
Application No.:	10/643,202	
Filing Date:	August 18, 2003	Examiner: Kurt Fernstrom
Title:	Free Fall Simulator	Group Art Unit: 3712

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR § 1.97(B)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

I hereby certify that this document is being sent via First Class U.S. mail addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 31 day of August, 2004.

Frances Cole
(Signature)

Dear Sir:

Pursuant to 37 CFR § 1.97(b), the references listed on the attached Form PTO-1449 (2 sheets, submitted in duplicate) are brought to the attention of the Examiner for consideration in connection with the examination of the above-identified patent application. Copies of the identified references are enclosed as necessary.

Payment of Fee Under 37 CFR § 1.17(p)

Pursuant to 37 CFR § 1.17(p), a check in the amount of \$180.00 is enclosed, as referenced in the attached Fee Transmittal Sheet. The Commissioner is hereby authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 04-1420.

Respectfully submitted,

DORSEY & WHITNEY LLP
Customer Number 25763

Date:

Aug 31, 2004

By:

David N. Fronek
David N. Fronek, Reg. No. 25,678
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498
(612) 340-2629

09/02/2004 TBESHAH1 00000014 10643202

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180.00 DP

Substitute for form 1449A/PTO

Application Number 10/643,202

Filing Date August 18, 2003

First Named Inventor Kathryn W. Hatlestad

Art Unit 3712

Examiner Name Kurt Fernstrom

Sheet 1 of 2

Attorney Docket Number 14458.01

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

U.S. PATENT DOCUMENTS

*Examiner Initials	Cite No.	DOCUMENT NUMBER Number - Kind Code (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		US- Des. 397,799	09-01-1998	William J. Kitchen	
		US- 2,486,287	10-25-1949	J.O. Jackson	
		US- 2,560,634	07-17-1951	Russell S. Colley et al.	
		US- 2,788,020	04-09-1957	R. P. Davie, Jr.	
		US- 2,799,161	07-16-1957	L.P. Greene et al.	
		US- 2,933,922	04-26-1960	S.S. Davis	
		US- 4,308,748	01-05-1982	James L. Jacocks	
		US- 4,457,509	07-03-1984	Jean St-Germain	
		US- 4,487,410	12-11-1984	John J. Sassak	
		US- 4,700,565	10-20-1987	Dieter Albuschkat	
		US- 5,046,358	09-10-1991	Rudolf Wulf et al.	
		US- 5,417,615	05-23-1995	Terry D. Beard	
		US- 5,452,609	09-26-1995	Xavier Bouis	
		US- 5,753,811	05-19-1998	Silvia Consolini	
		US- 6,315,672	11-13-2001	Dominique Gillot et al.	

FOREIGN PATENT DOCUMENTS

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		Country Code:	Number - Kind Code (if known)				YES	NO
		GB	2 094 163 A	09-15-1982	Societe de Constructions		<input type="checkbox"/>	<input type="checkbox"/>
		GB	2 288 772 A	11-01-1995	Lee Hughes		<input type="checkbox"/>	<input type="checkbox"/>
		WO	83/01380	04-28-1983	Evingar Limited		<input type="checkbox"/>	<input type="checkbox"/>
		WO	96/27866	09-12-1996	William J. Kitchen		<input type="checkbox"/>	<input type="checkbox"/>
							<input type="checkbox"/>	<input type="checkbox"/>

EXAMINER SIGNATURE

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

Substitute for form 1449A-PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>				Application Number		10/643,202	
				Filing Date		August 18, 2003	
				First Named Inventor		Kathryn W. Hatlestad	
				Art Unit		3712	
				Examiner Name		Kurt Fernstrom	
Sheet	2	of	2	Attorney Docket Number		14458.01	
OTHER DOCUMENTS - NON-PATENT LITERATURE DOCUMENTS							
*Examiner Initials	Cite No.	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and-or country where published	TRANSLATION				
			YES	NO			
		AGARD Memorandum, "Papers Presented at the Sixth Meeting of the Wind Tunnel and Model Testing Panel", November 6 1954; (pgs. 399-440)	<input type="checkbox"/>	<input type="checkbox"/>			
		Calspan, "8-Foot Transonic Wind Tunnel", Calspan Report No. WTO-300; (Revised October 1971) (67pgs)	<input type="checkbox"/>	<input type="checkbox"/>			
		"Low Speed Wind Tunnel Investigations Branch, Guidelines for Preparation of Software and Instrumentation Test Requirements", June 1982 (Revised January 1984), Appendix A.	<input type="checkbox"/>	<input type="checkbox"/>			
		"Guide for Planning Investigations in the Ames 40- by 80- ft Wind Tunnel Operated by Low Speed Wind Tunnel Investigations Branch (FHW)", National Aeronautics and Space Administration NASA, March 1984 (52pgs)	<input type="checkbox"/>	<input type="checkbox"/>			
		"Be Ready for the Real Thing", ASE Free Fall Simulators, Free Fall Brochure.doc, November 2000 (22pgs) – Identified as Exhibit A	<input type="checkbox"/>	<input type="checkbox"/>			
		"Just Like the Real Thing", ASE Free Fall Simulators, FFS Entertainment Brochure.doc, November 2001 (8pgs) – Identified as Exhibit B	<input type="checkbox"/>	<input type="checkbox"/>			
		Glenn L. Martin Wind Tunnel, "Solving Problems Through Advanced Technology", Publication Date Unknown; (8pgs)	<input type="checkbox"/>	<input type="checkbox"/>			
		Lockheed Aeronautical System Company, "Compressible Flow Wind Tunnel", Publication Date Unknown; (29pgs)	<input type="checkbox"/>	<input type="checkbox"/>			
		Study Report for Free Fall Simulator (FFS), Aero Systems Engineering, December 2000 (48pgs) – Identified as Exhibit C	<input type="checkbox"/>	<input type="checkbox"/>			
		Closed-Circuit Freefall Simulator Rev. 0, Marissa Partners, ASE Quote No. Q02-W02-7171 (September 11, 2002); (18pgs); - Identified as Exhibit D	<input type="checkbox"/>	<input type="checkbox"/>			
		Declaration of Donald Kamis.	<input type="checkbox"/>	<input type="checkbox"/>			
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